

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited liability company,)
)
)

Plaintiff,

vs.

KEVIN SYKES-BONNETT and SYKED)
ECU TUNING INCORPORATED, a)
Washington corporation,)

Defendants.)
)
)

**DECLARATION OF JOHN WHITAKER
IN SUPPORT OF DEFENDANTS'
MOTION TO COMPEL DISCOVERY**

I, John E. Whitaker, hereby declare as follows:

1. I am of legal age, have personal knowledge of the facts provided herein and, if called as a witness, could and would testify competently to those facts.
2. I am an attorney at Lane Powell PC in Seattle, Washington. I am licensed to practice law in the State of Washington. My Washington State Bar Association number is 28868.
3. I am one of the attorneys representing Defendants Kevin Sykes-Bonnett, John Martinson, and Syked ECU Tuning, Inc. ("Defendants").
4. On December 1, 2017 Defendants submitted requests for production of documents.

Defendants' second request asked for "[A]ll documents produced by any party in any

1 litigation or arbitration proceeding between Plaintiff and Matthew Honeycutt.” A true
2 and correct excerpt from Defendants’ request for production of documents is attached to
3 this declaration as Exhibit A.

4 5. On December 27, 2017 Plaintiff responded and objected to Defendants’ request for
5 production. A true and correct excerpt of Plaintiff’s response is attached to this
6 declaration as Exhibit B.

7 6. On January 4, 2018, following a meet and confer with Plaintiff, I sent an email to Andrew
8 Bleiman requesting certain documents from the arbitration between Plaintiff and
9 Matthew Honeycutt. The parties agreed to produce certain documents from this
10 arbitration on January 9, 2018. A true and correct copy of that email exchange is attached
11 to this declaration as Exhibit C.

12 7. On July 6, 2018, the parties met and conferred and agreed to exchange documents on July
13 13, 2018. A true and correct copy of that email exchange is attached to this declaration
14 as Exhibit D.

15 8. On July 12, 2018 Plaintiff HP Tuners, LLC produced twenty two documents. This
16 production included Matthew Honeycutt’s opening Rule 27 brief for summary judgment,
17 HP Tuners’ response in opposition to motion for summary judgment, Matthew
18 Honeycutt’s reply brief in support of his motion for summary judgment, a December 4,
19 2017 supplemental brief of Matthew Honeycutt, HP Tuners’ supplemental briefing in
20 opposition, and the arbitrator’s order on Matthew Honeycutt’s motion for summary
21 judgment.

22 9. On August 14, 2018, an associate at Lane Powell PC, Tyler Kendrick, sent an email to
23 Andrew Bleiman requesting that Plaintiff produce the exhibits referenced in the Rule 27
24

1 briefing Plaintiff produced on July 12. A true and correct copy of that email is attached
2 to this declaration as Exhibit E.

3 10. On August 20, 2018 Plaintiff and Defendants exchanged emails about Plaintiff's July 12,
4 2018 production. Plaintiff stated that it did not agree to produce all exhibits in connection
5 with the briefing. In response, Defendants provided a list of what they believe remains
6 outstanding from Plaintiff's July 12, 2018 production. A true and correct copy of that
7 email chain is attached to this declaration as Exhibit F.

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9 11. In Matthew Honeycutt's opening Rule 27 brief in support of his motion for summary
10 judgment, he cited exhibits that support the position that Plaintiff HP Tuners, LLC has
11 been hacked multiple times in the past and does not care that it has.

12 I declare under penalty of perjury under the laws of the United States of America and the
13 State of Washington that the foregoing is true and correct to the best of my knowledge.
14

15 Executed on August 21, 2018 at Seattle, Washington.

16 s/John E. Whitaker
17 John E. Whitaker
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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2018 I electronically filed the above with the Clerk of the Court using the CM/ECF system. In accordance with their ECF registration agreement and the Court's ruling, the Clerk of the Court will send email notification of such filing to the following persons:

Attorneys for Plaintiff HP TUNERS, LLC	<input checked="" type="checkbox"/>	by CM/ECF
	<input type="checkbox"/>	by Electronic Mail
Stephen G. Leatham, WSBA No. 15572	<input type="checkbox"/>	by Facsimile Transmission
Heurlin, Potter, Jahn, Leatham, Holtmann & Stoker, P.S.	<input type="checkbox"/>	by First Class Mail
211 E. McLoughlin Boulevard, Suite 100	<input type="checkbox"/>	by Hand Delivery
Vancouver, WA 98663	<input type="checkbox"/>	by Overnight Delivery
Phone: (360) 750-7547		
Facsimile: (360) 750-7548		
Email: sgl@hpl-law.com		

Attorneys for Plaintiff HP TUNERS, LLC	<input checked="" type="checkbox"/>	by CM/ECF
	<input type="checkbox"/>	by Electronic Mail
Andrew P. Bleiman (<i>pro hac vice</i> admitted)	<input type="checkbox"/>	by Facsimile Transmission
Marks & Klein	<input type="checkbox"/>	by First Class Mail
1363 Shermer Road, Suite 318	<input type="checkbox"/>	by Hand Delivery
Northbrook, IL 60062	<input type="checkbox"/>	by Overnight Delivery
Phone: (312) 206-5162		
Email: andrew@marksklein.com		

Executed on August 21, 2018, at Seattle, Washington.

s/Kathi Milner
Kathi Milner, Legal Assistant